

WORKERS' COMPENSATION INDUSTRIAL COUNCIL
SEPTEMBER 14, 2010

Minutes of the meeting of the Workers' Compensation Industrial Council held on Tuesday, September 14, 2010, at 1:00 p.m., Offices of Judges, One Players Club Drive, Charleston, West Virginia.

Industrial Council Members Present:

Bill Dean, Chairman
Kent Hartsog, Vice-Chairman
Bill Chambers
James Dissen

1. Call to Order

Chairman Bill Dean called the meeting to order at 1:00 p.m.

2. Approval of Minutes

Chairman Bill Dean: The August 12th minutes were sent out. Did everyone have a chance to look them over?

James Dissen made the motion to approve the minutes from the August 12, 2010 meeting. The motion was seconded by Bill Chambers and passed unanimously.

3. Office of Judges Report—Rebecca Roush, Chief Administrative Law Judge

Judge Roush: Good afternoon everyone. We just have a brief report to give you with regard to the Office of Judges update. Before you are the statistics for the month of August and, I sent this out ahead of time, essentially the statistics

remain unchanged. If you have any particular questions about the report I will be happy to take them.

James Disson: Judge Roush, I don't have any questions on the report. I just would like to thank you and your staff for the wonderful tour you had of your new facility and to express our appreciation to your staff that I have never seen a facility so well organized and spic and span. You should all be very proud that they have you here.

Judge Roush: Thank you very much, thank you. We were happy to host the Industrial Council for a tour of our new hearing rooms, and we had a lunch and I will have to say officially on the record that our employees worked really hard to prepare our place for your visit and we are happy that you are pleased with how it looks.

I want to just add too, I've given you a copy of the procedural rules that we discussed at the last Industrial Council meeting, those are the rules that govern litigation in our office, 93 CSR 1 and 93 CSR 2. We are at this time undertaking revisions to this rule. I don't know that I mentioned it last time, but there is a Workers' Compensation subcommittee. There is a Workers' Compensation committee in the State Bar comprised of Workers' Compensation practitioners. They have formulated a subcommittee to review these rules and make recommendations to our office. The committee is comprised of both claimants' lawyers, as well as, defense lawyers and there's an equal balance of them, so we do think you will get a good result from this subcommittee that is reviewing these rules. I can see that we have a few of them, the appointees, to this committee in our audience today, but again, we are undertaking revisions to this rule at this time. They're not out for public comment, we're just basically reviewing them to determine what needs to be changed, and of course, it will go through...it will be open for public comment once we get to that official stage.

Wanted to just also add briefly that we are having a reception to tour our newly renovated hearing rooms on September 23rd, at 12 o'clock and I invite you to participate in that and also that we have two workshops scheduled. These are the events that we host to convey to practitioners issues that are important with regards to work before our office. They're scheduled for October 7th, in Charleston and October 26th, in Morgantown. That's all I really have. Thank you very much.

Chairman Dean: Mr. Chambers, do you have any questions? Excuse me, any questions, Mr. Chambers?

Bill Chambers: No, I do not.

Chairman Dean: Mr. Disson?

Mr. Dissen: No sir.

Chairman Dean: Mr. Hartsog?

Mr. Hartsog: No, I do not.

4. Follow Up Discussion on Requests For Data From INDC.

Chairman Dean: Very good, thank you. We will go on to the following discussion on request for data from the INDC and we handle that today.

Mr. Kenny: Let me first give testimony, and we can go from there.

Chairman Dean: Okay.

Mr. Kenny: Unfortunately, Commissioner, Mary Jane, nor I were able to be at the last meeting, having a conflict with the INDC meeting. So we were not here to really ask what you were looking for. We did, of course, get the minutes and saw some reference to wanting a piece of information or not, now, understand that some of this information is not in our files, because this is not the information we keep and before I authorize substantial amount of resources into developing this information, I felt it would be beneficial to just to hear from the Industrial Council what questions you're trying to answer and where we're going with this, so that we can have that research done all at one time and not piece mealed. I think you can understand that. We have started a few little things just to see what we can and cannot do, and what, although there may be governmental data available to us that we might kind of compile. But I really would like to get something from the Industrial Council and I think Mr. Chambers, you might have led that. What were you trying to get to and I think we can help you get there more efficiently, I believe?

Mr. Chambers: Certainly, I think just in a general prospective, as we look at Judge Roush's report, and we look at the number of protests for 2010; for example 686 of the total 3,356 protests were from The Old Fund, and so, I think we just wanted to try to get some context on how does that compare to the universe for which those appeals came. For example, private carriers account for 57% of the appeals. Are they 57% of the population either based on numbers of employees, payroll, something to put it in context to get a better sense of, is the, are the performance of the providers relatively consistent among the groups, or is there one group for which the providers may not be doing as good a job based on the fact that there are relatively more appeals. Now we understand that, so we hasten to add, before we get comments from the audience, that we understand that it wouldn't be anything that we could say "there you go", then we

can draw an absolute conclusion based on that. Is more, at least for me, to just get a sense of the relativity of the number of claims and there's certainly many other issues that would need to be scrutinized, thought about before anyone took any action to say something needs to change here. But for me it was to try to put the numbers of appeals in some context relative to the universes from which they come.

Chairman Dean: Okay. Mr. Hartsog, do you have anything you want to add?

Mr. Hartsog: No, I just think it was in response to Rule 22, and making sure that what we try to do as a group targets where the problem is and identify the problem and this is certainly the way Mr. Chambers suggested is a reasonable starting point to look to see if you can get into the detail and figure out where its at, what's causing it and then, kind of, try to figure out what the solution is. And then understanding the limitations that we have to construct rules that we can't construct a rule that says you have to make better decisions, or you have to make different decisions people are going to, you know, whether it's a doctor, or nurse, or whoever it is, or a lawyer, they're all going to make decisions that fall within some discretionary parameters, either what you consider conservative or liberal, and you're always have to deal with those, but if there is something falling outside of that, we can construct a rule around to improve it. That's what my objective is, and we, I think Bill and I, to the extent that we're accounting and finance we just would like some more structure around identifying where that's at.

Mr. Kenny: So we can attempt to get at a comparison on what say a percent of the market, if you want to describe as that, by each segment. I don't know that we can get down to the level of, by type of business. I just don't know that we can get to that level or not. We certainly would like to if we could; it would be somewhat germane but I think we are also missing the other issue which is what is an acceptable level of error, and if there are errors, how do we correct them. Like I say you can slice and dice this with some degree of accuracy, I mean, I've got somebody working on trying to determine numbers of employees. To do it, we had to go to Workforce West Virginia with unemployment compensation records, and they have it by location pretty much, so it's not all by one company. We have 100 self-insured for instance that might be 1000 locations. I've got some preliminaries on it, I'm not, I really don't want to even talk about them yet, because it not audited and I know not complete, I know there's some missing data. But we can attempt that. I also know that in November, early November, I believe it is, WVU always does Slices and Dices-The WV Economy. I don't know if anybody has ever attended that or not, and there's some very, I think some meaningful data and perhaps some data that will help us in this endeavor to say, well, you know, if mining is 22% of our economy then we can assume it's 22% of our economy. So that's coming in November,

we want to probably have the benefit of that data. We have last year's, but since it is so close, I would like to have the '09 data to be included. So we'll roll all of that in there. It's not that they get at what we believe is the real problem that we know there are mistakes made, doesn't matter by who, what's the acceptable level and how do we correct that. You know, we believe frankly that when a human being is not fixed correctly, that's a problem, and we believe fully that, I don't want to debate Rule 22 that's not in front of us, but we do believe there's a problem and we believe that there's a very low and no cost solution to it as NCCI opined upon. We get you all, we'll get you as much as we can of this. Like I said, we've already started. I assigned one research guy already and see what we can come up with. I just want to caution everybody, it's not going to be 100% because that data is just not available without a huge amount of expense. There would have to be almost 100% survey to get it that way, so that's what we'll do on that.

Chairman Dean: Mr. Hartsog.

Mr. Hartsog: Is there a better way or better body of information to look at to try to get at and substantiate what that issue is that you're seeing or thinking is embedded in these numbers? Is there a better statistical look, or a way to try to construct it, so that you can kind of see where that's at?

Mr. Kenny: You mean as far as how to slice and dice what our market looks like?

Mr. Hartsog: What...no, I mean, I think we're all interested in the same thing. It's identifying the problem and trying to figure out a good solution for it and, you know, personally, I didn't feel like I have a good handle on it, or showing that we had the right solution before, okay. So, is there information that you would have or make available to us, or whatever that could help me understand, or Bill, or Jim, or Mr. Dean understand what the substantiate where the problem is, where you think it's coming from and how to fix it and if, that in fact is non-physicians making decisions is the problem.

Mr. Kenny: Yeah, I know, I think we've convinced ourselves that certainly goes a long way to solving the problem that the higher the training level of a person making the decision certainly should have a positive effect. It, I mean, nothing but common sense tells you that would be the outcome. It's hard to measure outcomes before you make the change. Do I, can I sit here and say this well if you made this change would reduce the error rate by 60%, I can't prove that until after we make the change and then measure it. So that would be quite difficult from that viewpoint. All we can do is do what we did, which was, you know, go to these standards boards, such as your act, that endorses these types of processes. We all look, as we go through our market conduct exams, we can find some things within the, that's kind of finite in our individual case by

case basis, the probably have with that is now we are asking market conduct examiners, who are not medically trained themselves to substitute their judgment for an untrained adjuster's judgment and I'm not so sure the results is going to be any better, or very definitive. At the same time, we're not able to say, you know, we've looked at 100%, we're not able to say that had this occurred this would have been an outcome, and more importantly, there is no standard. The standard now is whatever we say it is, but we haven't been able, we haven't communicated that to the TPAs because we don't have the rule that were done. That rule would've set the standards, so that that becomes measureable without somebody substituting an untrained examiner substituting an untrained medical opinion for somebody else's medical opinion. So there's no standard at this point. So we have what we have and our examiners are out there doing the best they can, and in a preliminary report yesterday, I have found some things, but just preliminary and again I, the first thing I ought to do is look and say well we have to look further because these are not trained people either. So that's a difficult probably an inefficient way of trying to regulate that.

Mr. Hartsog: Is it possible to look at a group of the protests and then look at who's making that decision, protest whether it's a doctor or whether it's a nurse, or who it is and look at that body and see if that address it and maybe whether or not those TPAs are instate or they're out-of-state or the insurance companies are they self-insured kind of processors and kind of see, were those looking at for that perspective.

Mr. Kenny: I don't think they can do it from your records.

Judge Roush: Yeah, I think the data is, embedded in our systems somewhere, we don't have it readily available. I think it would take IT pulling it, you know, from a lot of different fields to get that information, but with regard to protests essentially in this market time, in this current market place only claimants protest. We don't have doctors protesting the...employer's can still protest an Old Fund or any claim arising from the body of claims that the OIC administers, but essentially, I would say 99% of the protests we receive are from claimants. Yes, we do keep demographics on claimants, employers, carriers, their TPAs, but it would take a significant amount of research from a computer programmer to pull all of that so...

Mr. Kenny: So you wouldn't necessarily have in your records whether a physician made that...

Judge Roush: No.

Mr. Kenny: ...behind the scenes, all you get is evidence that this claim is turned down, or the treatment denied by an adjuster whether that adjuster went to a medical professional or not. I don't think...

Judge Roush: We categorize our protests generally, for instance, these are medical treatment. They're not broken down into subcategories. We know that, for instance, we'll have a compensability, a group of compensability protests, we have medical treatment, we have permanent partial disability. That's as far as we subcategorize our protests. We don't break them down into the actual contents of the orders, if that makes any sense.

Mr. Kenny: So again, we can try all of those things, but it would be difficult in some cases, the evidence just is not there, it's just not captured. So there'd be no way short of going out and doing a 100% survey or even a sampling, a data sampling of some kind, which is what we're doing, with market conduct but again we're back to examiners that are not medically trained and can read a file and say that was an incorrect decision. That's the difficulty. So, I hear what you're trying to do and we'll get you what we can. Now let me pass out something for you that, with a caution, that this will probably raise as many questions as it will answer and that in a lot cases West Virginia data is not always able to be included in this, so this is some national data. There is some West Virginia data in here, only because there's not been enough time for the data to be developed. This is 2009 records. This is NCCI's annual report. They do this and even in some even greater detail on a country wide basis and then they break that data down into state by state, 37, 38 states, I think they do. So that will give you some graphic information, some trends on what's happened with employment. It has some comparisons on what our employee make-up is, or industrial make-up is compared to others in surrounding states sometimes and country-wide other times, so I'll give you that. I guess I have enough copies of, but I'm not so sure it will raise questions and I'm not so sure we can get the answers if you ask them but we certainly will always try. You know it's good, if anybody has insomnia this will sort of cure that, so be my guest. We just got that this morning so it's brand new.

Mr. Dean: Mr. Dissen, do you have any comments or anything?

Mr. Dissen: I do not sir.

Mr. Dean: Mr. Chambers, do you have anything else?

Mr. Chambers: No sir

Mr. Dean: Mr. Hartsog?

Mr. Hartsog: No.

Mr. Dean: Mr. Ryan or Mary Jane, do either one of you have any comments?

Ms. Pickens: No.

Mr. Sims: No sir.

Mr. Dean: So you'll try to figure out what these gentlemen want?

Mr. Kenny: Okay. We have 4B, you want me to address that?

Mr. Dean: Yeah, If you would sir.

Mr. Kenny: Now, I understand, I mean we provided some administrative quest on The Old Fund, and once again I don't know what this body is doing. It's not Industrial Council business from a responsibility you have, there is really no responsibility or authority there, but we're always happy to be as transparent as possible. I don't know exactly what you're trying to do and how you're going to use it so I don't know what information to provide, and again, you know, this is something that we'll probably not spend a lot of resources on developing any additional information that we don't already have. I just don't know, you know to try to figure out are we getting a good deal on our TPAs, the answer is yes. There was an aura of pain that is the state's process to the extent that the RFP process is accurate. You're getting the best price, and I'm not going to opine on whether it's a accurate process, and a good way to procure, but that's our law and that's what we have to live with and because they were all procured in that manner. I can tell you that we spend considerable time, considerable staff. We have a staff of about 8-10, I could say that, people who do nothing but oversee the TPAs. They're subject to three audits a year, external audits a year. It will go down to two here at some point, and we have, we keep a score card on them and essentially give them a grade and we look for improvements in the things we have found. So I can assure you that they are managed in order to...probably more vigorously then anybody actually audits their TPAs. Our main TPA is Sedgwick and we are, best we can tell, at least we will when we first started with them, in their Top 10 of largest customers and this is by far the largest TPA in the country. Their clients include General Motors and G.E. and all of the major... a lot of major corporations, Lowes', and we're in the Top 10 by number by open claim count. We probably still are, I strive to get out of the Top 10 obviously. We want that reducing, and so we think we have the best of the best. At least some large corporations agree with us, yet when we order them, we still find some room for improvement and they, all of our TPAs, really take our comments very serious, certainly when you're in the Top 10 of the customer base, you're going to get a lot of attention from that TPA, and we do. So, other than that I don't know what to tell you other than what we provided, you know, I don't have much drill down that's available to you. The audit's score cards are not public, so I really can't provide those, except I can tell you that they are getting, they never were in a failing mode in total. There was a few processes that we actually failed

and said no, we won't accept that. I can tell you at the last audit, nobody actually failed any category, and they all improved in total. So, you know, take my word for that, and I can't back that up and show you the actual detail of that, but that is the results. So other than that, if you tell me what you trying to find out if I can help you and provide the information, I will.

Mr. Hartsog: Well, since it was me that asked the question, I guess I'll probably respond if it's okay. Basically, what we asked for was the same thing you gave to the Legislature, and you provided that to us, and in looking at that the administrative charges that were identified there seemed high to me based upon my experience and based upon what I would normally see in that context given the number of claims that I know that are being processed and managed in The Old Fund and given that, I just ask for a little bit more detail of how it was broken out. I think at the last meeting, Mary Jane provided a schedule that had that broken out and on two or three line items and then I just.-which wasn't hold off,-and if that is...and so looking at that, can we see some more so I can understand more about the cost there and perhaps it's not the Industrial Council's place, and if it's not theirs, then that's fine, but at the same time, my company, businesses in general, everyone pays a substantial amount of money into The Old Fund, everyday, every month, and I was more just interested in, kind of, relatively why those charges were there the way they were, if... and I don't have a problem at all if you feel it's an inappropriate topic for the Industrial Council, not to go there that's fine, but the prior request I made had been honored and like I said the number looked high to me relative to administrative charges and other experience that I've had and that's the reason for my question.

Mr. Kenny: Let me just address it this way, if I can. First of all, I don't know what the benchmark is. I don't know whether cost per claim is a real accurate way of doing it. One could argue that we must be doing lots of extra things if we think is advantageous to the claims. But keep in mind that these are old claims. These are old claims that's very difficult to change outcomes at this point because treatments were going on. These are claims that were inherited that the record keeping or the manner in which claims were handled and were a monopolistic system was quite different, and most would have argued, not nearly as efficient as the private industry does in their claims, and we had to an awful lot of building of files to the extent we could to get our claims into a normal business-like system software and otherwise. You've also seen in those numbers a rather large charge for the attorney general's staff that is dedicated to The Old Fund. That gets charged to The Old Fund, in fact, right here in this building.

Mr. Hartsog: I think it was \$250,000.00 for attorneys' fees, and then research fees.

Mr. Kenny: Is that. Is that all, they charge more than that.

Ms. Pickens: No it's more than that.

Mr. Hartsog: Okay.

Mr. Kenny: No the charges are much more than that, but that's in The Old Fund's numbers, also. It's not, I don't remember what that number is, but it's much more than that. How many attorneys do they have?

Ms. Pickens: 15 or 16, but they have a staff of probably over 40 total staff, and the arrangement with them is for all of the cost of that office. The office space, the utilities, their continuing education, their salaries, fringe benefits, the whole entire office are...

Mr. Kenny: Dedicated solely to The Old Fund. So, I'm just going to tell you that you're never have apples and apples when you're looking at that. We spend a lot of money, in relative terms a lot of money on outside consultants to watch the claims because we readily admit coming from the old workers' comp. system, to most of our staff, workers' comp. knowledge is based on the old monopolistic system and although we provided a lot training and they've come a long way and they are, we're proud of them, I think they do a great job, they don't have the 20 years experience in handling claims in the manner that you would expect most businesses will handle. They are taped so to speak, their experience is based on monopolistic system, so we've provided with them with some outside support with some claims people that are very experienced and they frankly who developed the audit program and who helps them conduct the audits and actually does the scoring. So now we're moving forward on some other initiatives, one being settlements, and we have a whole office set up with about ten people in Michigan actually in the Detroit area that actually all work for the General Motors' account until they went into a slight downsizing that they've gone through, so these are very, very, highly trained, high level, very experienced adjusters, and we have them handling the larger claims in the settlement initiative that we have. There's never been a settlement initiative in this state and I venture to say that most private industry is still wrestling with settlements because of some uncertainties in the law. We're going ahead and doing those settlements in a very measured manner, but that's a whole office that you would not see in most businesses because you have ongoing claims. You have a claim, you work it through, you get it closed out and off you go, on to the next one, so your average age of, I'm going just guess, is three to five years old is probably your average claim nowadays. I would say that our average age is going to more than double claim, age of the claim itself, is going more than double well that takes a different initiative, takes different skill sets and of course settlements become a much, much bigger prerogative, or much bigger process and a much bigger higher priority than it would normal, and it takes an effort such a that because it's all a backlog. It's never been done. So we've got this huge backlog of claims, some of which are really inactive today in certain terms. They

haven't treated in a few years, but as we go through and we survey and we start touching these people to address a settlement and truly close out the claim, we find that they are treating with some cases. They're just not charging it to workers comp. If they work for you, your health benefits are probably paying for some of it. Some cases, it's Medicare paying for it, so that's an issue and a liability we want to get our arms around and we want to get it closed and stopped out. So yeah, if you just want look at it on what this company pays versus what we pay, you going to see some differences that you don't have apples and apples is what am asking you.

Mr. Dean: Any questions Mr. Hartsog?

Mr. Hartsog: No. Just, I mean, getting at, and what you just explained explains two or three things probably why the costs are much higher and it wasn't really, I didn't do anything scientific by saying that cost per claim is this versus that. I was looking at the number judgmentally given the body what I know out there is. It would appear on the surface that it's a very expensive system that's being supported and, naturally, the inclination is to take a little bit of looking under the hood to see, kind of okay, why is that and why does it make sense to spend those extra dollars. Obviously if you spend that and do that for several years you would certainly expect to see claims and payments start dropping off a lot or you're investing the money up front and you're not getting any value for it.

Mr. Kenny: Yeah, I think you're seeing that. You'll see when on the actuary report is finalized for the fiscal year that just ended June 30, we'll have a new auditive reserve number which then manifest itself in the actual liability the system still has. You know, as everybody knows it's been widely circulated that the unfunded liability for the workers' comp. system at peak was like 3.4 billion dollars, unfunded. Our last year's actuarially supported number was 1.3 billion. We expect this year, obviously, to be less, because what you're seeing in the settlement program is not a decrease in what we're spending every month, but you're seeing a decrease in the reserve, and that's where the true savings comes in and as far as our main goal is to get the business community out from under the deficit surcharge and the only way we can do that is eliminate the deficit. So a vision that was in a 2032 estimate, that estimate, you know, we just shot that one down substantially and now is somewhere in 2020 or even less, so that is certainly going in the right direction.

Mr. Hartsog: Is there room for improvement?

Mr. Kenny: Yes, there is always room for improvement but at some point you can make a value judgment, how much do we want to spend to try to find that improvement. You know, our value judgment was we spent some considerable resources on expertise from outside, and we've since cut that down. Actually, when first started we had financial advisers. We had an adviser

who was involved in the loss portfolio transferring that Texas did here 10-11 years ago and I think its been that long. In a claim consultant we have moved down to really just the claim consultant, for the most part. We still get some financial look every year from outside to see where we are and are we in the realm of looking at a loss portfolio transfer, which is the actual end gain and that's when we have to pop the champagne and say we're done guys, so that's where we're heading right now.

Mr. Hartsog: Can I assume that the whenever that report's available you will share with us?

Mr. Kenny: Yes, if probable because it gets combined with the states financial and I think we might have shared that last year. It sends out financial statement as well as well, what we would have sent.

Ms. Pickens: It can be found on the website.

Mr. Kenny: And it's on the website so we can know it's there and so yeah its no, and that's going to be probably November-ish. We have our audit due with the state, I mean, the first part of next month and then the statements put together and, soon as the state accepts and publishes their financials, then ours becomes public. Until then it is obviously subject to change so you can look for that. I'm guessing its late November; I think that is what my recollection is.

Mr. Dean: Very good. Mr. Chambers, do you have any comments?

Mr. Chambers: No.

Mr. Dean: Mr. Dissen?

Mr. Dissen: No sir.

Mr. Dean: Very good thank you.

5. General Public Comments

Chairman Dean: Okay we'll go on to number 5, general public comment, does anybody from general public have a comment they'd like to make today?

General Public: No comment.

6. Old Business

Chairman Dean: Seeing that we'll move on to old business, does anybody from the Industrial Council have anything they like to bring up under old business, Mr. Dissen?

Mr. Dissen: No, Mr. Chairman.

Chairman Dean: Mr. Hartsog?

Chairman Dean: Any, Judge Roush?

Judge Roush: No.

7. New Business

Chairman Dean: Seeing that, we'll move on to new business. Anybody from the Industrial Council have anything they like to bring up under new business?

Mr. Dissen: No sir.

Mr. Chambers: No sir.

8. Next Meeting

Mr. Dean: Moving right along now. Okay, the next meeting will be Thursday, October 21, 2010 at 1:00 p.m. and that will back at your all's office?

Ms. Pickens: I believe so.

Mr. Kenny: That will be a plan.

Mr. Dean: That's okay with everybody's calendar?

Mr. Kenny: I'll be back from that.

Ms. Pickens: No.

Mr. Kenny: We're not back from that.

Ms. Pickens: We're not going to be back from that.

Mr. Kenny: None of us will be here, that conflicts with the INIC meeting again, to the extent that that's okay which I'm talking about Mary Jane and myself on the committee...

Ms. Pickens: Yes, only just three.

Mr. Kenny: To the extent that you're alright with that that's fine. We obviously don't need to be at every meeting.

Chairman Dean: You're okay with that Mr. Hartsog?

Mr. Hartsog: I hope. I leave up to them depending on what they pulled from June.

Mr. Dean: Very good word, we're good unless you all...

Mr. Hartsog: so we can control that, alright.

Chairman Dean: We're good unless you all change it.

Mr. Kenny: Alright.

9. Executive Session

Chairman Dean: The next order of business is Executive Session. The next item on the agenda is related to self-insured employers. These matters involve discussion as specific confidential information regarding self-insured employer that would be exempt from disclosure under the WV Freedom Information Act pursuant to W. Va. Code § 23-1-4b. Therefore, it is appropriate that discussion take place in the Executive Session of the region of W. Va. Code § 6-98-4. If there is any action taken in regard, these specific matters from employers, it will be done on upon reconvening of the public session. Is there a motion going into the Executive Session?

Mr. Chambers: So move.

Chairman Dean: Motion made, is there a second?

Mr. Dissen: Second.

Chairman Dean: Motion made and second to go into the Executive Session. Any comment on the motion? All in favor "aye." Opposed. The "ayes" have it. We'll go into the Executive Session.

[The Executive Session began at 1:30 p.m. and ended 1:45 p.m.]

Chairman Dean: Is there a motion to go into the Regular Session. Motion made and seconded to go into Regular Session. All in favor. The "ayes" have it. Okay the recommendation for renewal with self-insured status for 17 companies on Exhibit A. Is there a motion for renewal?

Mr. Chambers: So moved.

Chairman Dean: Is there a second.

Mr. Dissen: Second.

Chairman Dean: Motion made and seconded for renewal of self-insured status. Any question on the motion? All in favor "aye". All opposed. The "ayes" have it. [Motion passed] Is there a motion for adjournment?

10. Adjourn.

Mr. Chambers made the motion to adjourn. The motion was seconded by Mr. Dissen and passed unanimously.

There being no further business the meeting adjourned at 1:45 p.m.